

**Additional Proposed WAC Changes: (10-27-06 and 11-9-06)
Rule Changes (Filed 9-15-06)**

**Cost Benefit Analysis (CBA) and
Small Business Economic Impact Statement (SBEIS)**

WAC 388-891-330 Does DVR consider academic awards and scholarships as income? Amending by changing the text (in blue):

Does DVR consider academic awards and scholarships as comparable benefits? DVR does not consider academic awards or scholarships based on merit as comparable benefits.

Reason for Amending Rule: DVR is amending this rule to be consistent with federal regulations, and clarify that DVR does not consider academic awards and scholarships based on merit as comparable benefits. The current rule says that academic awards and scholarships based on merit are not counted as income for purposes of determining your participation in the cost of services.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), rules with only housekeeping changes (typographical errors), address or name changes or clarification of existing rule language.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

Clarifies that DVR does not consider academic awards and scholarships based on merit as comparable benefits (Code of Federal Regulations (CFR) 34 Part 361.5(10)(C)(ii).

Costs:

Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

WAC 388-891-360 What personal resources are not counted in the decision about whether I have to help pay for services? (Amending rule by removing #6 below [\(in blue\)](#)).

DVR does not count the following resources when deciding whether you need to help pay for DVR:

- (1) The value of your primary home and furnishings;
- (2) The value of items that you keep because of personal attachment, rather than because of monetary value;
- (3) The value of one vehicle per household member needed for work, school, or to participate in VR services;
- (4) Retirement, insurance, or trust accounts that do not pay a current benefit to you or your family;
- (5) If a retirement, insurance or trust account pays a current benefit, only the monthly benefit is counted as income and the balance of the account is excluded;
- [\(6\) Awards or scholarships you earn based on merit;](#)
- (7) Up to \$5,000 of your total assets are excluded as exempt;
- (8) Equipment or machinery used to produce income;
- (9) Livestock used to produce income; and
- (10) Disability-related items and/or services.

Reason for amending rule: DVR is amending rule by removing academic awards and scholarships based on merit from the personal resources not counted when determining a customer's ability to help pay for services. DVR will count academic awards and scholarships based on merit as a personal resource when considering the customer's ability to help pay for the cost of education-related services.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rule Requires a CBA: Adding this rule meets the definitions of a Significant Legislative Rule under RCW 34.05.328(5)(c)(iii). DVR is significantly amending a policy or regulatory program.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that the benefits of amending this rule outweigh the costs.

Benefits:

Removing the exclusion of academic awards and scholarships based on merit when determining a customer's ability to help pay for services, permits DVR to:

- Require individuals to apply the proceeds of grants or scholarships they earn based on merit to their educational costs.
- Increase the number of customers with disabilities served by DVR to become employed.
- Reduce the time customers spend on the waiting list to be served due to the lack of DVR resources.

Costs:

Amending this rule may impact a small number of customers who receive academic awards and scholarships based on merit because the section clarifies that these awards and scholarships will be considered a personal resource that will be applied toward the cost of services. This means that educational awards and scholarships (including those based on merit) must be utilized before DVR pays for education expenses. Amending this rule will not result in any costs to businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

WAC 388-891-1300 Why does DVR close a case service record?

Amending by adding a closure reason (in blue).

A DVR counselor closes your case service record for any of the following reasons:

- (1) You achieve an employment outcome;
- (2) DVR determines that you are not eligible or no longer eligible;
- (3) You are no longer available to participate in services;
- (4) You decline VR services;
- (5) You cannot be located;
- (6) You ask DVR to close your case service record; ~~or~~
- (7) You refuse to cooperate in required or agreed upon services; ~~or~~
- (8) You require supported employment services and you and your VR counselor have explored all available options for securing a source of funding for extended services or natural supports and there is no reasonable expectation these services will become available.

Reason for Amending Rule: DVR is amending rule to clarify that a case can be closed if supported employment services are required and the counselor has explored all available options for securing a source of funding for extended services or natural supports and there is no reasonable expectation these services will become available.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), rules with only housekeeping changes (typographical errors), address or name changes or clarification of existing rule language.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Clarifies that a case may be closed after the counselor and customer have explored all available options for securing funding and there is no reasonable expectation that funding for extended services or natural supports services will become available.
- Keeping the VR case open indefinitely, when there is no reasonable expectation that funding for extended services or natural supports will become available, could be misleading for customers who require supported employment services and give false hope they will achieve a successful employment outcome, when this is not likely if a source of funding for extended services or natural supports is not available.
- Adding closure reason will allow counselor and customer to decide to close the case sooner, rather than keeping the case open indefinitely and not effectively utilizing staff time or other DVR resources.
- Closing the case when there is no reasonable expectation that funding for extended services or natural supports will become available will:
 - Increase the number of customers with disabilities served by DVR to become employed.
 - Reduce the time customers spend on the waiting list to be served due to the lack of DVR resources.

Costs:

Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

Adding a New Rule:

WAC 388-891-XXX Can DVR obtain personal information about you?

1. In order to serve you, DVR may obtain personal information about you from service providers and cooperating agencies. This personal information helps us better understand your disabilities, barriers to employment, abilities, interests and needs for VR services and to coordinate DVR services with the services you receive from other agencies and programs;
2. DVR may obtain financial information about you from state and federal agencies to verify benefits you receive from other agencies or programs, earnings and income from employment or self-employment. DVR will only collect such information if the state or federal agencies have legal authority to release it to DVR. This may occur with or without your consent;
3. If DVR collects information about you from service providers or other agencies, the information will not be released to others without your written consent.

Reason for Adding Rule: DVR is adding rule so customers are aware that DVR may obtain personal information from service providers and cooperating agencies. This personal information may include verification of benefits from another agency or program, earnings and income from employment or self-employment. A customer's personal or financial information will not be released without the customer's written consent.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rule Requires a CBA: Adding this rule meets the definitions of a Significant Legislative Rule under RCW 34.05.328(5)(c)(iii). DVR is significantly amending a policy or regulatory program.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to adding this rule and no costs.

Benefits:

- Personal information will help DVR to better understand a customer's disabilities, barriers to employment, abilities, interests and needs for VR services.

- DVR will use this personal information to verify benefits from other agencies and programs, earnings and income from employment or self-employment.
- Adding this rule will make customers aware that personal information may be obtained, but not released without their written consent.

Costs:

Adding this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

**Repealing outdated rules on Independent Living
(WAC 388-890-0780 through 388-890-1095)**

Reason for Repealing Rules: DVR is repealing outdated rules on Independent Living (IL). Previously, some DVR offices provided IL services directly to customers. Now, DVR contracts with community IL centers to provide Title 7, Part B IL services.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rule Requires a CBA: Repealing these outdated IL rules meets the definitions of a Significant Legislative Rule under RCW 34.05.328(5)(c)(iii). DVR is significantly amending (repealing) a policy or regulatory program.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative

benefits and costs and determined that there are benefits to repealing outdated IL rules and no costs.

Benefits:

- These IL rules are not necessary. DVR no longer provides IL services directly to customers. Now, DVR contracts with community IL centers to provide Title 7, Part B IL services.
- Continuing to have outdated rules might cause confusion with customers, DVR staff and IL providers.
- Confusion about these rules may cause a delay in services.

Costs:

Repealing these outdated IL rules will not result in any costs to DVR customers, IL providers, businesses, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Repealing these outdated IL rules does not impact small business.
- There is no cost associated with repealing these rules, and costs for small businesses are not disproportionate compared to the cost of larger businesses.
- Small businesses benefit because DVR no longer provides IL services directly to customers and contracts with community IL centers for Title 7, Part B IL services.

WAC 388-891-840 What are supported employment services? Amending the rule by adding text in (blue):

Supported employment services are:

- (1) Ongoing support services as described in WAC 388-891-0845; and
- (2) Vocational rehabilitation services listed in WAC 388-891-0600. **These services may be provided to you:**

- As part of your individualized plan for employment;
- To support and maintain you in supported employment;
- For a period of time not to exceed 18 months, unless under special circumstances, you and the VR counselor jointly agree to extend the time in order to achieve the employment goals in your rehabilitation plan for employment. This 18 month period begins on the date when the

delivery of ongoing support services start to be provided under your individualized plan for employment.

Reason for Amending Rule: DVR is amending this rule to clarify what supported employment services mean and the time-limit for supported employment services. The revised wording is consistent with federal regulations and an interpretation by the Rehabilitation Services Administration.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), rules with only housekeeping changes (typographical errors), address or name changes or clarification of existing rule language.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Clarifies that supported employment services means ongoing support services and other appropriate services (Code of Federal Regulations (CFR) 34 Part 361(54).
- Clarifies the 18 month time limit for supported employment (Code of Federal Regulations (CFR) 34 Part 361(54)(i).
- Clarifies that the 18 month period begins on the date when the delivery of ongoing support services start to be provided under an individualized plan for employment. (Interpretation by the Rehabilitation Services Administration (RSA).
- Providing clarification ensures that rules are consistent with federal regulations, and reduces the likelihood that services or time-limits are misunderstood.
- Not amending this rule could cause confusion and result in delays in services.

Costs:

Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

Repealing rule on time limit for supported employment services. Time limit is included in WAC 388-891-840.

WAC 388-891-870 Are supported employment services time-limited?

Reason for Repealing Rule: This rule is not necessary because the time-limit for supported employment services is included in amended rule above (WAC 388-891-840).

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), rules with only housekeeping changes (typographical errors), address or name changes or clarification of existing rule language.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

Same as above.

Costs:

Repealing this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Repealing this rule does not impact small business.
- There is no cost associated with repealing this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

WAC 388-891-880 What happens if my DVR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial 18 months of my individualized plan for employment?

Amending the rule by revising the text in (blue):

What if my counselor and I cannot secure a source of extended services or natural supports?

If a DVR counselor determines that you require supported employment and has explored all available options for securing a source of funding for extended services or natural supports and there is no reasonable expectation that those services will become available, DVR must close your case service record.

Reason for Amending Rule: DVR is amending this rule to clarify if all available options have been explored to secure sources of funding for extended services or natural supports and there is no reasonable expectation that those services will become available, DVR must close the case. This revision removes the 18 month time-limit.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rule Requires a CBA: Amending this rule meets the definitions of a Significant Legislative Rule under RCW 34.05.328(5)(c)(iii). DVR is significantly amending a policy or regulatory program.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Clarifies that a case may be closed after the counselor and customer have explored all available options for securing funding and there is no reasonable expectation that funding for extended services or natural supports services will become available.
- Keeping the VR case open indefinitely, when there is no reasonable expectation that funding for extended services or natural supports will become available, could be misleading for customers who require supported employment services and give false hope they will achieve a successful employment outcome, when this is not likely if a source of funding for extended services or natural supports is not available.
- Allowing the counselor and customer to decide to close the case sooner, rather than keeping the case open indefinitely will allow for efficient and effective use of DVR resources.
- Closing the case when there is no reasonable expectation that funding for extended services or natural supports will become available will:
 - Increase the number of customers with disabilities served by DVR to become employed.
 - Reduce the time customers spend on the waiting list to be served due to the lack of DVR resources.

Costs: Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

WAC 388-891-0520 What is the criteria for Priority Category 1- Individuals with the Most Severe Disabilities? Amends rule by removing words in (blue): #1 You require supported employment; and/or); and changing the title of functional losses from Interpersonal skills to **Interpersonal**; and Self-direction to **Cognition and Learning (Self-direction)**.

Wording of Amended Rule:

WAC 388-891-520 What is the criteria for Priority Category 1--Individuals with Most Severe Disabilities?

DVR determines you are in Priority Category 1-- Individuals with Most Severe Disabilities, if you meet the following criteria:

1. You require supported employment; and/or (delete)
2. You meet the criteria for an individual with a severe disability as defined in WAC 388-891-530, you require two or more VR services over an extended period of time (12 months or more) and you experience serious functional losses in four or more of the following areas in terms of an employment outcome:
 - (a) Mobility;
 - (b) Communication;
 - (c) Self-care;
 - (d) Cognition and Learning (Self-direction);
 - (e) Interpersonal skills;
 - (f) Work tolerance; or
 - (g) Work skills.

Reason for Amending Rule: DVR is amending this rule to be consistent with an interpretation by the Rehabilitation Services Administration (RSA) that a type of service (like supported employment) can not be used as a criteria in determining a priority category under Order of Selection. Changes in the names of functional losses are consistent with the revised Prioritization for Services tool that VR counselors use to document functional losses.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), rules with only housekeeping changes (typographical errors), address or name changes or clarification of existing rule language.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Removing reference to a type of service (supported employment) is consistent with an interpretation by the Rehabilitation Services Administration (RSA) that a type of service cannot be used in determining a priority category under Order of Selection.
- Changes in the names of functional losses are consistent with the revised Prioritization for Services tool that VR counselors use to document functional losses.

Costs:

Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

WAC 388-891-0530 What is the criteria for Priority Category 2- Individuals with Severe Disabilities?

DVR determines you are in Priority Category 2- Individual with Severe Disabilities if:

Amends rule by deleting word in (blue): (1) You are receiving disability benefits under Title II or Title XVI or the Social Security Act, but do not meet the criteria for Priority Category 1; and changing the title of functional losses from Interpersonal skills to [Interpersonal](#); and Self-direction to [Cognition and Learning \(Self-direction\)](#).

Wording of Amended Rule:**WAC 388-891-530 What is the criteria for Priority Category 2--Individuals with Severe Disabilities?**

DVR determines you are in Priority Category 2--Individuals with Severe Disabilities if:

1. [You are receiving disability benefits under Title II or Title XVI of the Social Security Act, but do not meet the criteria for Priority Category 1; and/or](#)

2. You meet the eligibility requirements outlined in WAC 388-891-540, you require two or more VR services over an extended period of time (12 months or more) and, you experience serious functional losses in one to three of the following areas in terms of an employment outcome:

- a. Mobility;
- b. Communication;
- c. Self-care;
- d. [Cognition and Learning \(Self-direction\)](#);
- e. Interpersonal ~~skills~~;
- f. Work tolerance; or
- g. Work skills

Reason for Amending Rule: DVR is amending this rule to be consistent with an interpretation by the Rehabilitation Services Administration (RSA) that receiving Title II or Title XVI Social Security benefits can be used in determining Eligibility for VR services, but not in determining a priority category under Order of Selection. Changes in the names of functional losses are consistent with the revised Prioritization for Services tool that VR counselors use to document functional losses.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), rules with only housekeeping changes (typographical errors), address or name changes or clarification of existing rule language.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Removing reference to Title II and Title XVI Social Security Benefits is consistent with an interpretation by the Rehabilitation Services Administration (RSA) that Social Security benefits can be used in determining Eligibility for VR services, but not in determining a priority category under Order of Selection.

- Changes in the names of functional losses are consistent with the revised Prioritization for Services tool that VR counselors use to document functional losses.

Costs:

Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

WAC 388-891-0255 How do I request a fair hearing?

Amending rule by Revising #2 You must submit your request for a fair hearing within [45 calendar days \(currently 20 days\)](#)

Wording of Amended Rule:

WAC 388-891-255 How do I request a fair hearing?

(1) To ask for a fair hearing, send a written request to the Office of Administrative Hearings. You must include the following information in your written request:

- (a) Your name, address, and telephone number;
 - (b) The name of the DSHS program that the fair hearing involves (such as DVR);
 - (c) A written statement describing the decision and the reasons you disagree; and
 - (d) Any other information or documents that relate to the matter.
- (2) You must submit your request for a fair hearing within ~~20 days~~ [45 calendar days](#) of the date the VR counselor makes the decision with which you disagree.
- (3) You may ask any DVR employee for instructions or assistance to submit a request for a fair hearing.

Reason for Amending Rule: DVR is amending this rule to give customers more time to request a fair hearing.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rules Not Requiring a CBA: DVR has determined that a CBA is not required. Under RCW 34.05.328(5)(b), procedural rules (rules adopting, amending or repealing procedures related to agency hearings or applications for license or permits).

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Gives customers more time to request a fair hearing.
- Some customers have complained that 20-days is not enough time to request a fair hearing.
- The Washington State Rehabilitation Council recommended increasing the time-frame to request a fair hearing from 20-days to 45 calendar days.

Costs:

Amending this rule by giving customers more time to request fair hearing may result in more fair hearings, additional time by DVR staff and the Administrative Law Judge (ALJ). Amending this rule will not result in any costs to DVR customers, businesses, providers, stakeholders or community members.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Amending this rule does not impact small business.
- There is no cost associated with amending this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.

Adding a rule to reflect that DVR is prohibited under the Washington State Constitution from supporting an employment goal that is religious in nature.

WAC 388-891-XXX What if the employment goal I choose is religious in nature?

DVR is prohibited from supporting education or training for an employment goal that is religious in nature under Washington State Constitution, Article 1, Subsection 11.

Reason for Adding Rule: DVR is adding rule to reflect that DVR is prohibited under the Washington State Constitution from supporting education or training for an employment goal that is religious in nature.

Cost Benefit Analysis (CBA):

Statutory Authority: Chapter 34.05 RCW, Administrative Procedure Act is the statutory authority for the CBA.

Rule Requires a CBA: Adding this rule meets the definitions of a Significant Legislative Rule under RCW 34.05.328(5)(c)(iii). DVR is significantly amending a policy or regulatory program.

Costs and Benefits: As required under RCW 34.05.328 (3) (1), DVR has considered the probable costs imposed by this rule change as well as the benefits. DVR has taken into account both the qualitative and quantitative benefits and costs and determined that there are benefits to amending this rule and no costs.

Benefits:

- Clarifies that the Washington State Constitution (Article 1, Subsection 11 prohibits DVR from supporting education or training for an employment goal that is religious in nature.
- This rule will help clarify that although DVR can not pay for education and training for an employment goal that is religious in nature, DVR can pay for other services for example: DVR can't pay tuition for someone to attend school to become a minister, but can pay for a wheelchair because the individual needs the wheelchair regardless of their vocational goal.

Costs:

DVR is prohibited from supporting education or training for an employment goal that is religious in nature so some customers will need to obtain services elsewhere.

Small Business Economic Impact Statement (SBEIS)

Statutory Authority: Chapter 19.85 RCW, the Regulatory Fairness Act, is the statutory authority for the SBEIS.

A SBEIS is Not Required: DVR has determined that a SBEIS is not required due to these reasons:

- Adding this rule does not impact small business.
- There is no cost associated with adding this rule, and costs for small businesses are not disproportionate compared to the cost of larger businesses.